



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

SEP 13 2013

The Honorable Patrick J. Toomey
United States Senator
8 Penn Center
1628 John F. Kennedy Blvd.
Philadelphia, Pennsylvania 19103

Dear Senator Toomey:

Thank you for your electronic correspondence of August 12, 2013 concerning activities at the Tank Car Corporation of America Site (Site) at 1725 Walnut Avenue, Oreland, Pennsylvania 19075.

The U.S. Environmental Protection Agency (EPA) conducted a removal response action at the Site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The response action, conducted between 2007 and 2010, involved the removal and off-site disposal of hazardous substances from tanks and piping, the removal and off-site disposal of contaminated soils and tar-like material at the property, the consolidation of contaminated sandblasting grit on the property, and the installation of a 2-foot thick cover on top of the contaminated sandblasting grit.

The cover installed by EPA consists of at least 12 inches of clay and a layer of crushed stone. The cover is expected to prevent contact by the public with the buried sandblasting grit, provided the cover is not compromised through excavation, boreholes, and any other action that might penetrate the cover. EPA did not select any enforceable restrictions on the use of the property however; EPA did install a sign in a central location on the property, which reads "No digging. Buried contamination. Contact Township." In addition, EPA's On Scene Coordinator (OSC) advised the property owner, Springfield Township, and Pennsylvania Department of Environmental Protection (PADEP) of the need to protect the integrity of the cover. The sign, discussions, and incentives for landowners and lessees to act responsibly with respect to remaining contamination as a result of the Small Business Liability Relief and Brownfields Revitalization Act of 2002, should collectively ensure that the cover will remain intact well into the future. Landowners and lessees who conduct work that compromises the integrity of the cover or which otherwise cause a release of the materials beneath the cover run the risk of losing liability protections they may otherwise have under the Superfund law.



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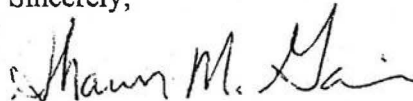
These efforts are, in part, responsible for ongoing coordination between EPA and Cheltenham Transportation LLC (CT LLC) in connection with CT LLC's plans to modify the property for use as a bus depot. The OSC became aware of CT LLC's tenancy at the property in mid-June 2013. At the time the company was called Philly Transportation LLC. In late June 2013, the OSC notified CT LLC of the need to protect the cover and requested that CT LLC provide EPA with detailed plans for activities that might impact the cover. CT LLC has provided a plan that has been conditionally approved by the OSC, subject to receipt of a final hard copy of the plan. In communicating with CT LLC, the OSC was clear that EPA's involvement in land use at the property was limited to providing guidance regarding protection of the cover and did not replace the need to obtain any other approvals or permits.

EPA placed no legally enforceable land use restrictions on the Site property. The Agency expects that persons wishing to perform activities that might compromise the integrity of the cover will coordinate with EPA prior to conducting such work. EPA has been working, and will continue to work with CT LLC to ensure that their operations do not adversely impact the cover. EPA's involvement in land use activities at the property extends no further than ensuring that the cover remains intact. EPA has not supplanted the authority of Springfield Township, Montgomery County, the Commonwealth of Pennsylvania, or any other federal, state, or local government agency from whom approval might be necessary to facilitate what CT LLC seeks to accomplish at the property. Except as stated above, with respect to activities that may compromise the cover, EPA takes no position on the propriety of operating a bus depot at this location.

Additional information about EPA's involvement at the Tank Car Corporation Site, including maps, weekly summaries of cleanup activities, and analytical data, can be found at <http://www.epaosc.org/TCCA>

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Laura Mohollen, EPA's Pennsylvania Liaison, at 215-814-3295.

Sincerely,



Shawn M. Garvin
Regional Administrator

